Planning Statement

Old Gas Works, Pier Road, Gillingham

Proposals for Mixed-Use Development Including Commercial and Residential Uses

Blueberry Developments Estates Ltd

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Savills
33 Margaret Street
London
W1G 0JD

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1. Introduction & The Vision

1.1 This Statement has been prepared by Savills (UK) Limited on behalf of Blueberry Developments Estates Ltd (the **'Applicant'**) in relation to a 'hybrid' planning application submitted for development at the Old Gas Works, Pier Road, Gillingham (the **'Site**'). It is intended to assist the Local Planning Authority's ('**LPA**') consideration of the development's accordance with local and national planning policies and all other material considerations.

1.2 The proposal is to create a mixed-use development which will provide a new waterfront community on a brownfield site within Gillingham. The proposal will provide a vibrant area for people to live, visit, work and play and activate the waterfront.

1.3 The detailed (full) element of the application comprises of the demolition of existing structures and ancillary buildings relating to the former gas works, and construction of a foodstore and reprovision of a new SGN facility. It also includes relevant highways works and access, including a 'spine' road from the existing access from Strand Approach Road, areas of landscaping and associated infrastructure.

1.4 The outline element of the application is for the later phase(s) of the development and consists of up to 500 residential units, a care home and / or later living of up to 140 beds, Class E floorspace within the residential blocks, provision for a potential new sailing clubhouse, associated indicative parking, landscaping and infrastructure. All matters are 'reserved' for future consideration, but the development is to be delivered in accordance with the principles established by the Proposed Illustrative Masterplan and Design Principles document.

1.5 The formal description of the proposed development is as follows (the '**Proposed Development'**):

"Hybrid Planning Application for a Mixed-Use Development comprising of: Full planning permission for the demolition of existing buildings and structures and erection of retail unit (Class E); replacement of gas distribution company facilities to include new office, training facility and depot; internal access road, provision of pedestrian / cycle access from Pier Road and revised access from Strand Approach Road; car parking; and alterations to the site layout to include drainage, infrastructure and hard and soft landscaping; and associated physical works; and Outline planning permission for the demolition of existing buildings and structures; erection

of up to 500 dwellinghouses; erection of care home / later living (Class C2 and / or C3), erection of commercial, business and service units (Class E), provision of new sailing clubhouse and / or flexible Class E, provision of car parking and associated physical works (such as new access, utilities, drainage, infrastructure and hard and soft landscaping) with all matters reserved for subsequent approval."

1.6 The proposal will significantly contribute to Medway's housing need, including specialist housing for later living. The proposals include commercial development which will create new job opportunities and associated economic benefits.

The Vision

1.7 The Vision for the scheme is to create a diverse and modern new waterfront community within the urban area of Gillingham. The proposals include remediation of a key brownfield Site within Medway which will deliver new housing and commercial uses which integrate into the wider surroundings and provide a positive contribution to the wider townscape.

1.8 The scheme will include new public realm to benefit from the waterfront location and which enables future occupiers and members of the public to interact with the River Medway from within the Site, which they currently cannot.

1.9 The scheme ensures there is celebration of the heritage of the Old Gas Works whilst also demonstrating high quality architecture within Gillingham and the wider Medway area. The proposals provide a thriving waterfront community for all.

Report Structure

1.10 In line with the above, and in order to comprehensively assess the proposed development against the relevant planning policies, the remaining sections of this Report are structured as follows:

Section 2.0 The Application Site

Section 3.0 The Proposed Development

Section 4.0 Review of Relevant Planning Policy

Section 5.0 Assessment of the Proposed Development

1.11 We set out in **Section 6.0** our Summary and Conclusions which are that the Proposed Development will:

a) Create a new waterfront community within Gillingham which will enhance and reinforce the importance of the urban waterfront within Medway in line with the emerging strategic Vision within the draft Local Plan.

b) Achieve sustainable mixed-use development on previously developed, 'brownfield' land by remediating a contaminated site.

c) Deliver substantial economic benefits, including significant private investment and the creation of jobs of up to circa 230 Gross FTEs for the overall operational phase with an additional circa 280 FTEs per annum during the construction phase.

d) Deliver up to 500 homes of varying type and size for future residents and assist the LPA in meeting their housing requirements.

e) Create a meaningful quantum of new public space including multi-functional landscaping including play space.

f) Achieve high levels of sustainability, by utilising renewable energies and sustainable construction methods.

g) Deliver biodiversity net gain of a minimum 10% and with the potential for up to 58.35% net gain in habitat biodiversity units and 298.02% net gain in hedgerow units to be delivered across the detailed and outline phases.

1.12 In light of the above, we further conclude that:

- The Proposed Development accords with the relevant policies in the development plan when read as a whole;

- The Proposed Development accords with the principal material considerations, namely the economic, social and environmental objectives to secure sustainable economic development established by the National Planning Policy Framework ('**NPPF**'); and
- There are no other material considerations that should outweigh the presumption in favour of granting planning permission for sustainable economic development.

1.13 As the proposal accords with the development plan, planning permission should be granted in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. Furthermore, there are a range of significant benefits which outweigh any potential adverse impacts and therefore weigh in favour of the grant of planning permission, as detailed in this Statement.

2. The Application Site

The Site

2.1 The Site measures approximately 4.49 hectares and includes the Old Gas Works site at Pier Road which is accessed via Strand Approach Road. It also includes a part of Strand Approach Road. The full extent of the Site is shown on the Site Location Plan prepared by The Harris Partnership (Ref: 17286 - 100A) and is previously developed brownfield land within the urban area of Gillingham.

2.2 The Site includes operational and decommissioned SGN gas company buildings and structures, which includes two former gasholders which are now obsolete. There is existing operational gas infrastructure below ground level which has to remain in situ. The existing site includes storage for the Segas Sailing Club and their clubhouse. The remainder of the Site is mostly made up of areas of hardstanding with some areas of vegetation at the southern boundary.

2.3 The Site is within an urban area with the surrounding context characterised by a range of land uses including a mix of residential and commercial uses.

2.4 The Site is located to the north of Pier Road and south of the River Medway. There are residential properties located to the south of Pier Road at St Albans close, commercial units including 'Practical Car & Van Rental' located to the west of the Site. Medway Watersports Centre and the Cruising Club are located directly to the east with the Strand Leisure Park and Pool beyond.

2.5 The Site does not form part of a Conservation Area nor are any of the buildings statutorily listed.

2.6 The northern part of the Site is located within Flood Zone 3, with some of the Site located within Flood Zone 2 and the area to the southern boundary within Flood Zone 1. The Site is not located within an Air Quality Management Area ('**AQMA**') however there is an AQMA adjacent to the south of the Site, on Pier Road.

2.7 The Site is located adjacent to the Medway Estuary and Marshes SSSI and approximately 53m from the Medway Estuary and Marshes SPA and Medway Estuary and Marshes Ramsar.

2.8 The Site benefits from good accessibility to public transport facilities with two bus stops directly adjacent to the Site on Pier Road. There is existing cycle infrastructure from the Site to Gillingham town centre and to the station.

2.9 A full assessment of the Site and its accessibility and connectivity is provided in the Transport Assessment prepared by Connect Consultants.

Relevant Planning History

2.10 There are no directly relevant historic planning applications to the current proposals. However, there are various applications associated with the former gas operations which are not relevant to the proposals.

3. The Proposed Development

3.1 As set out within the Introduction & Vision, the Applicant aims to create an urban waterfront community which will significantly improve the overall character and quality of the area. The proposal is for a mixed-use scheme which delivers both residential and commercial uses.

3.2 This Section summarises the Proposed Development, the type of planning application and the pre-application engagement that has been undertaken with various stakeholders.

The Hybrid Application

3.3 The planning application is submitted in 'hybrid' form and seeks: detailed planning permission for the proposed foodstore and reprovision of the SGN facility and outline planning permission (with all matters reserved) for the residential and care home / later living elements. The extent of the detailed and outline application areas is shown on 'Application Extents Plan', Ref: 17286 - 103A, prepared by THP.

3.4 A 'hybrid' application has been submitted as the foodstore is required to be delivered from the outset in the detailed element of the application to deliver the enabling works for the remainder of the Site. The format of the application allows for the foodstore to be delivered first which will then accommodate the remediation of the Site which, due to the previous use, is extensive and costly. It is also required to deliver the replacement SGN facility at the outset.

3.5 The overarching vision for the Site, is shown on the Illustrative Masterplan (see Drawing Ref: 17286 - 112A) and the Design Principles document, Ref '17286 Rev A', prepared by The Harris Partnership ('**THP**').

3.6 The composition of the application and Proposed Development for each element is as follows:

Detailed Elements

- A total area of 1.35ha and which will include the demolition of existing ancillary buildings and structures;

- The construction of a foodstore (Class E), and associated car park, as shown on the Proposed Site Plan (Detailed) (Drawing Ref: 17286 - 104A) with a Gross Internal Area ('**GIA**') of 1,925 sq. m and Gross External Area ('**GEA'**) of 2,021 sq. m;
- The reprovision of the SGN training, office and depot facility through construction of a new building, associated car park and servicing yard, as shown on the Proposed Site Plan (Detailed) (Drawing Ref: 17286 - 104A) with a GIA of 750 sq. m, including 371 sq. m at mezzanine level and a GEA of 830 sq. m;
- Alterations to the existing site access including extending the existing access road from Strand Approach Road and reinstating the existing access to the south-west of the Site to allow for direct access to the new SGN facility;
- The provision of pedestrian and cycle access from Pier Road;
- A total of 123 car parking spaces, including provision for disabled parking and EV charging, across both the foodstore and SGN compound;
- A total of 20 cycle parking spaces, across both the foodstore and SGN facility; and
- Provision for soft and hard landscaping throughout the Site.

Outline Elements

- The outline application boundary consists of a total area of 3.14ha;
- The proposed outline element consists of up to 500 dwellings (Class C3) and up to 140 beds for either a Care Home and / or Later Living (Class C2 and / or C3);
- Provision is also sought for flexible Class E use / ancillary residential space within the residential blocks, in order to provide a range of potential amenities such as café / gym / office / nursery uses. This also includes potential reprovision for the sailing clubhouse should it be required and subject to alternative arrangements for its provision. The maximum area for this space is 2,695 sq. m (GIA);
- All matters are reserved for future determination, albeit the application is supported by parameter plans (17286 - 111A Proposed Parameter Plan and 17286 - 112A Proposed Illustrative Masterplan) and a Design Principles document. The information submitted will ensure the location, extent and maximum height of new buildings, are controlled and importantly, through the Design Principles, ensure that the buildings and landscaping schemes are of the highest quality; and

- An Illustrative Masterplan has been provided to demonstrate how the outline element could potentially come forward, albeit this drawing is not submitted for approval as part of the application.

3.7 It is anticipated that the Proposed Development will be delivered in phases. The detailed element of the application will be delivered as the initial phase. The outline element will be delivered through subsequent Reserved Matters application(s).

3.8 The existing structures and buildings to be demolished are shown on the 'Existing Buildings and Structures Plan' Ref: 17286 - 102A prepared by THP.

3.9 Further details of the Proposed Development and the extent of the detailed and outline areas are provided in the Design & Access Statement ('**DAS**') and application drawings prepared by THP.

Summary of Pre-Application Engagement

3.10 The Applicant has undertaken extensive consultation with various local stakeholders and the general public to inform the evolution of the Proposed Development.

3.11 A comprehensive summary of all engagement and associated activities is included within the Statement of Community Involvement ('**SCI**'). A summary of the principal engagement is provided below.

Medway Council

3.12 The Applicant has fully engaged with Medway Council ('**MC**') via a formal pre-application phase since December 2023. The process sought to ensure that all policy matters have been fully considered during the evolution of the proposed layout and detailed building designs. This pre-application phase has explored the rationale for the Proposed Development, the scope of the application and technical evidence and the approach to detailed design and the wider indicative masterplan and design principles.

3.13 There have been three formal and various informal pre-application meetings with MC officers and workshops covering matters relating to layout, scale / massing, landscaping and parking with Planning, Urban Design and

Highways officers. Following the meetings and subsequent written advice, the Applicant has addressed comments where possible through different several design iterations or technical solutions. The different iterations of the scheme through this process are set out within the DAS. There has been effective engagement throughout the pre-application process, specifically with regards to design, in accordance with paragraph 137 of the NPPF.

3.14 The scheme was then presented to Design Review Panel ('**DRP'**) in August 2024. The outcomes and responses to this are further detailed within the DAS.

Community Engagement

3.15 A detailed community engagement exercise has been undertaken by the Applicant between January and February 2025. The exercise included stakeholder and community engagement via a project website, a consultation leaflet and a public drop-in event.

3.16 The details of the feedback received and the Applicant team's response to this are within the SCI.

3.17 The community engagement has been comprehensive, timely, meaningful and effective and has ultimately helped to shape the Proposed Development to best achieve local policy targets and community aspirations.

Environmental Impact Assessment Screening Request

3.18 A request for an EIA Screening Opinion was submitted to MC on 21 October 2024. Under Part 2, Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), a person who is minded to carry out development may request the relevant planning authority to adopt a screening opinion as to whether the proposed development is EIA development.

3.19 As set out within the EIA screening request, the development meets the criteria in Section 10(b) of Schedule 2. Schedule 2 development requires an EIA if it is considered likely to have a significant impact upon the environment by virtue of factors such as nature, size and location.

3.20 The screening request assesses the Schedule 2 development against specific selection criteria for screening as required by Schedule 3 of the 2017 Regulations. This includes the characteristics of development, location of development and types and characteristics of the potential impact. The screening request concludes that the proposed development against the EIA Regulations 2017 and the Planning Practice Guidance ('**PPG**') is unlikely to result in significant effects on the environment and therefore is not 'EIA development' and an environmental impact assessment is not required.

3.21 In response to the screening request, MC responded on 11 November 2024 (Ref: MC/24/2167) with their formal screening opinion. The screening opinion concluded the following:

'The proposed development has been assessed against the criteria in Schedules 2 and 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). It is considered that an Environmental Statement is not required as the proposed development is unlikely to result in significant impact on the environment and the impact that may arise can be identified and addressed by the submission of appropriate supporting documents during the planning process.'

3.22 It is concluded that the Proposed Development is not EIA Development.

4. Review of Relevant Planning Policy

Introduction

4.1 The starting point for the consideration of the acceptability of a development proposed in a planning application is an assessment against the development plan. If a development is in accordance with the plan, and the plan is up-to-date, then the decision should be to grant planning permission unless material considerations indicate otherwise.

4.2 Material considerations can include, amongst other things, more up to date policy guidance in the NPPF and Planning Policy Guidance ('**PPG**'). The NPPF does not change the statutory basis on which planning decisions are founded, but is a material consideration in the determination of planning applications.

4.3 The adopted development plan in relation to the Application Site is the Medway Local Plan ('**MLP**') (adopted 2003).

The Medway Local Plan (Adopted May 2003)

4.4 The Policies Map which accompanies the Local Plan shows that the Site is located within the urban area of Gillingham and is partially designated under Policy L13 (Water Based Leisure). The Policy states that the development of water based leisure facilities will be permitted subject to meeting certain criteria. This is a permissive policy for such uses, but doesn't protect the Site for such use.

4.5 Policies S1 (Development Strategy) and S2 (Strategic Principles) set out the development strategy and how this strategy should be implemented. The strategy is to prioritise re-investment in the urban fabric through redeveloping under-used and derelict land within the urban area with a focus on the riverside areas and main town centres.

4.6 Policy BNE1 (General Principles for Built Development) states that design should be appropriate in relation the character, appearance and functioning of the built and natural environment. This will be achieved by considering key design factors such as scales, massing, materials and layout of the built form whilst also

ensuring the development respects the surrounding building and spaces. Where appropriate, open space should be provided.

4.7 Policy H4 (Housing in Urban Areas) states that housing within the urban area will be permitted where it utilises vacant or derelict land, the redevelopment of existing residential areas and infilling in such area, mixed commercial and residential uses in proximity to town centres and the use of upper floors above commercial premises.

4.8 In relation to the proposed care home / later living facility, Policy H8 (Residential Institutions) sets out the criteria which should be met when considering proposals such as not adversely effecting nearby residential amenity, within sustainable location and that there is adequate amenity space and parking / public transport.

4.9 Other relevant policies which have been considered in developing the concept include:

- S6 – Planning Obligations
- BNE2 – Amenity Protection
- BNE3 – Noise Standards
- BNE4 – Energy Efficiency
- BNE5 – Lighting
- BNE6 – Landscape Design
- BNE7 – Access for All
- BNE8 – Security and Personal Safety
- BNE22 – Environmental Enhancement
- BNE23 – Contaminated Land
- BNE24 – Air Quality
- BNE35 – International and National Nature Conservation Sites
- BNE36 – Strategic and Local Nature Conservation Sites
- BNE37 – Wildlife Habitats
- BNE39 – Protected Species
- BNE43 – Trees and Development Sites
- BNE46 – Developed Coast

- ED10 – Working from Home
- H3 – Affordable Housing
- H5 – High Density Housing
- H10 – Housing Mix
- R11 – Town Centre Uses and the Sequential Approach
- R12 – Mixed Use Schemes
- R13 – Retail Uses and the Sequential Approach
- R14 – Ancillary Retail Development
- L2 – New Leisure Facilities
- L4 – Provision of Open Space in New Residential Developments
- L11 – Riverside Path and Cycleway
- T1 – Impact of Development
- T3 – Provision for Pedestrians
- T4 – Cycle Facilities
- T12 – Vehicle Parking Standards
- T14 – Travel Plans
- CF12 – Water Supply

The Emerging Medway Local Plan 2041 (Regulation 18 Consultation)

4.10 The emerging Medway Local Plan 2041 – Regulation 18 (July 2024) ('**Emerging Plan**') is currently being prepared, most recently with Regulation 18 consultation stage ('**Reg 18'**) taking place from July to September 2024. The Reg 18 consultation document included draft policies.

4.11 The Applicant submitted representations to the Reg 18 consultation and the previous Regulation 18 consultation which closed in October 2023.

4.12 The evidence base to the Emerging Plan includes a number of technical papers and documents including the Land Availability Assessment Interim Report (September 2023) ('**LAA**') which has informed the drafting of the Reg 18 consultation document.

4.13 The Emerging Plan identifies the majority of the Site as Site ID GN6: 'Gillingham No. 3 and 4' as a potential site for 'Urban Regeneration'. It should be noted, as detailed in our client's representations dated 4 September 2024, that the boundary within the draft Policies Map is irregular and excludes a part of the north-west of the Site. The Site is recognised within the Emerging Plan as one of the potential 'Urban Regeneration' sites which together could deliver significant new housing provision.

4.14 Chapter 3 of the Emerging Plan sets out three broad options for growth and the Emerging Plan recognises that the preferred indicative approach is for option SG03 which is a Blended Strategy. This approach includes the identification of the Site as a potential allocation under this Strategy.

4.15 The intention is for MC to publish the pre-submission draft Local Plan in June 2025 (Regulation 19) which will then be consulted on prior to the document being submitted to the Secretary of State for Examination. The proposed timescales indicate that the Emerging Plan could be adopted in December 2026.

Supplementary Planning Documents and Other Guidance

4.16 The following SPDs have been considered in the assessment of the proposal:

- Medway Guide to Developer Contributions and Obligations (April 2024);
- A building height policy for Medway Part 1: general policy guidance SPD (May 2006);
- A building height policy for Medway Part 2: policies on location SPD (May 2006); and
- Medway Housing Design Standards (Interim) (November 2011).

4.17 MC have also published 'Medway 2035' which is a regeneration strategy intended to complement the emerging Local Plan by developing a route-map in support of the policies which will frame expected growth and setting out a vision of the future Medway which these policies will help secure.

The National Planning Policy Framework and Planning Practice Guidance

4.18 The NPPF was published in December 2024. It is a material consideration in the determination of the application. The PPG sets out the Secretary of State's expectations on how the policies in the NPPF are to be applied.

4.19 The NPPF maintains the presumption in favour of sustainable development[1]. Paragraph 8 of the NPPF defines what achieving sustainable development means which is that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways which include an economic, social and environmental objective.

4.20 Section 5 relates to delivering a sufficient supply of homes which recognises that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that the overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.

4.21 Section 6 is in relation to building a strong, competitive economy and states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It requires significant weight to be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (paragraph 85).

4.22 Section 7 relates to ensuring the vitality of town centres and sets out the circumstances whereby sequential and / or retail impact assessments should be undertaken, and the approach to undertaking each assessment.

4.23 Section 8 of the NPPF relates to promoting healthy and safe communities and states that policies and decisions should aim to promote social interaction, create safe and accessible places and enable and support healthy lifestyles.

4.24 Section 11 relates to making effective use of land and paragraph 125(c) of the NPPF states that planning decisions should *"give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land"*.

4.25 Section 12 of the NPPF relates to achieving well-designed places. The section identifies that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It continues by stating that design quality should be considered

[1] Paragraph 11 of the NPPF

throughout the evolution and assessment of individual proposals and that early discussion between applicants, the local planning authority and local community about the design of emerging schemes is important.

4.26 The sections of the NPPF which are also relevant in the assessment of this application are as follows: Section 4 ‘Decision-making’ Section 8 ‘Promoting healthy and safe communities’ Section 9 ‘Promoting sustainable transport’ Section 14 ‘Meeting the challenge of climate change, flooding and coastal change’, Section 15 ‘ Conserving and enhancing the natural environment’ and Section 16 ‘Conserving and enhancing the historic environment’.

5. Assessment of the Proposed Development

5.1 The guidance and policies relevant to the determination of the application are set out in Section 4 of this Statement. They comprise the policies and guidance within the development plan and other material considerations, including for example the NPPF.

5.2 An assessment of the planning policies relevant to the application and acceptability of the Proposed Development are set out below.

1. Principle of Development

5.3 As set out in Section 3, the Proposed Development seeks planning permission for a mixed use development which includes a foodstore (Class E), SGN facility (Sui Generis), up to 500 residential units (Class C3), a care home / later living (Class C2 and / or C3), smaller commercial units (Class E) and potential reprovision of the Segas Sailing Clubhouse. The proposals will deliver housing and other uses in an urban area whilst making suitable use of brownfield land, in line with the aims of the NPPF (Paragraph 125).

5.4 The Site constitutes previously developed land within the urban area of Gillingham and is in a highly sustainable location. The Site is a key under-utilised urban waterfront location and the redevelopment of the Site is wholly supported by Policy S1 of the Local Plan.

5.5 The proposal includes a mix of uses in order to create a sustainable waterfront community. The Proposed Development is therefore consistent with the aims of Policy S2 of the Local Plan in relation to the strategic approach for development.

5.6 It should be recognised that paragraph 125 (c) of the NPPF has been updated in the December 2024 to place further emphasis on the importance of developing brownfield land. The NPPF states that *"policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused…" (Savills emphasis).*

5.7 The updates demonstrate that government aims are to ensure that brownfield development is approved, unless there is substantial harm caused by the proposals. This is a key consideration in the principle of redeveloping the Site.

5.8 The Site is located within Flood Zones 1 to 3 with the majority of the area to the south and eastern boundary within Flood Zone 2 and the area to the north and west within Flood Zone 3, this is further detailed below and within the Flood Risk Assessment and Drainage Strategy, prepared by Rappor.

5.9 As the proposals contain a mix of uses, the following assessment is set out under relevant subheadings for each use.

Residential

5.10 The Medway Local Plan was adopted in 2003 and the plan period extended from 1996 to 2011. The Local Plan was reviewed in September 2007 and several policies were 'saved'. The Local Plan does not make provision for housing beyond 2011 and has not been reviewed or updated.

5.11 As of 31 March 2024, Medway Council have a deficit of -3,628 dwellings being delivered in the Local Authority and can therefore only demonstrate a 3.1 year housing land supply.

5.12 The LPA cannot currently demonstrate a five year supply of housing land, therefore the housing policies within the Local Plan which relate to the supply of housing are considered 'out-of-date' by definition of Paragraph 11 of the NPPF.

5.13 The proposal has been considered at pre-application stage and the response considers that the proposals accord with Policy H5 of the Local Plan as it seeks to provide greater intensity of development in places with good accessibility and along good public transport corridors. The Site is within a location which is suitable for residential development as it is within an urban settlement and located in a mixed-use area with surrounding commercial and residential uses.

5.14 Paragraph 61 of the NPPF seeks to significantly boost the supply of homes by ensuring a sufficient amount and variety of land can come forward where it is needed with an appropriate mix of housing types. The NPPF also promotes the effective use of land in meeting the need for homes and other uses.

5.15 As set out within Section 4 of this Statement, the LPA are in the process of drafting their Emerging Plan. Medway Council published their Land Availability Assessment Interim Report in September 2023 ('**LAA**') following two 'call for sites' consultations.

5.16 The Site[2] is identified within the LAA as Site ID GN6: 'Gillingham No. 3 and 4' as a potential site for 'Urban Regeneration' and within the Emerging Policies Map as 'Indicative Preferred Site – Resi-led'. Whilst not yet adopted, the Emerging Plan provides an indication in relation to future allocations and the overall direction of travel and can be afforded some weight, in accordance with Paragraph 49 of the NPPF.

5.17 In relation to affordable housing provision, the viable level of affordable housing delivery on site has been assessed through a Financial Viability Assessment, undertaken by Strutt and Parker. The results of this assessment show that the residual land value generated by the proposed development falls below the benchmark land value, demonstrating the development is technically unviable in affordable housing viability terms. As such, at this stage the development cannot viably support affordable housing.

5.18 The residential element of the proposal is, in principle, acceptable given the above assessment.

Care Home / Later Living

5.19 The application allows for a care home (Class C2) and / or a later living (Class C3) facility and is within the outline element of the application to allow for sufficient flexibility at Reserved Matters stage for potential future occupiers.

5.20 This aspect of the proposal is intended for older residents with more specific needs in terms of potential care or later living requirements. As the Use Class varies and subject to the exact end user, the application requests flexibility to allow for this to be agreed at a later stage.

[2] This does not include all of the Site as identified within the application boundary.

5.21 A Local Housing Needs Assessment for Medway Council was published in August 2021 (the '**Report'**). The Report provides detail in relation to older persons accommodation and recognises that there is a significant need of an additional 1,189 units across the plan period. This need comprises of 436 residential (Class C2) units and 753 older person (Class C3) dwellings. The Report concludes that there needs to be a broader housing offer for older people across Medway.

5.22 For the purposes of the planning application, the Economic Statement has based the potential for employment on the use being a care home (Class C2) which estimates that there is an approximate gross 80 jobs created.

5.23 The proposal will deliver up to 140 beds for either a care home or later living occupier which will significantly contribute to the identified need. As this is within the outline element, the proposed use can be confirmed at Reserved Matters stage. The principle of either use is acceptable and accords with the aims of the NPPF and Emerging Plan.

Class E Floorspace (including Foodstore)

5.24 The proposal includes a foodstore (1,925 sq. m GIA) which is located within the detailed element of the application, and flexible Class E floorspace within the outline element of up to 2,695 sq. m (GIA) (including the area which could also be utilised for the Sailing Clubhouse). Flexibility is sought within this overall quantum for all uses within Class E, albeit it should be noted that the Applicant will limit the proposed retail and leisure floorspace across the detailed and outline elements of the scheme to 2,450 sq. m GEA. This can be controlled by a suitably worded condition.

5.25 The flexible Class E floorspace in the outline element of the application is intended to provide opportunities for Small and Medium Enterprises ('**SME'**) and could include uses such as office / business space, restaurants, cafes or shops, medical or health services such as a pharmacy, or for childcare such as a day nursey or creche. The space is intended to allow sufficient flexibility to enable a range of appropriate uses which support the creation of a sustainable waterfront community.

5.26 The Economic Statement, prepared by Savills estimates that the foodstore would create an approximate 40 gross jobs and that the Class E floorspace within the outline element could create up to 110 gross jobs.

5.27 A sequential assessment has been undertaken to establish whether any sequentially preferable sites exist for the proposed uses within or on the edge of the nearby centres of Gillingham and Chatham. The scope of the assessment was agreed as part of pre-application discussions with Officers. The sequential assessment is provided within **Appendix 1** and demonstrates compliance with NPPF paragraphs 91, 92 and 95 and the Development Plan in this respect.

5.28 An impact assessment is not required as the total retail and leisure floorspace associated with the scheme is below the 2,500 sq. m threshold as set out within Paragraph 94 of the NPPF, and there is no locally set threshold. As detailed above, the quantum of retail and leisure floorspace can be controlled by condition. This approach was agreed at pre-application stage with the LPA.

SGN

5.29 The replacement SGN facility is included within the detailed element of the application. The proposed building measures 750 sq. m (GIA) over two floors and will include office, training and a depot with storage and associated facilities in a modern purpose built unit. This will consolidate the existing dated premises and ensure that SGN retains its presence on the Site, which is required due to the existing below ground infrastructure. This includes the 'gas governor', as shown on the 'Proposed Site Plan (Detailed)' (Ref: 17286 - 104A), access to which must be retained to ensure the continued supply of gas to the surrounding area.

5.30 The proposals therefore allow for SGN to continue to operate from the Site however with significantly improved facilities. The proposal will retain the jobs at SGN which currently employ around 20 staff, as set out in Section 3.5 of the Economic Statement.

5.31 The principle of SGN is established through the existing operations and the requirement for SGN to remain within this location. The proposed facilities are an improvement to the existing and considered acceptable in principle.

Sailing Clubhouse

5.32 The existing Site includes an area north-east in the Site which is occupied by the 'Segas Sailing Club' and includes a clubhouse and an area utilised for boat storage. The proposals include the potential for a new clubhouse and storage facility measuring 994 sq. m, within the outline element of the application.

5.33 There have been ongoing conversations with Medway Council, Segas Sailing Club, the Applicant and other stakeholders to agree the most appropriate way of re-providing facilities for the Sailing Club and its members. Based on these discussions, the DAS includes an illustrative plan and strategy for the potential to locate the Clubhouse on adjacent land to the east of the Site, where the Medway Watersports Centre is currently located. As these discussions are ongoing, there has been the allowance for the Sailing Clubhouse to be provided within the outline element of the scheme at ground and first floor level. However, should the sailing club facilities be located elsewhere, then the scheme is sufficiently flexible that alternative uses can be provided which will be subject to detailed design at reserved matters stage.

5.34 The Application therefore allows for sufficient flexibility whilst an agreement is reached with Medway Council.

5.35 The Economic Statement, provides an estimate of potential job creation from the Sailing Clubhouse if it were to be re-located on Site. It is acknowledged that this is an estimate and does not accurately reflect the existing job numbers, as they are not known. The Sailing Clubhouse has the potential to provide approximately 9 gross jobs.

5.36 Part of the Site is designated as 'Water Based Leisure' under Policy L13. The policy states that the development of water based leisure facilities along the river will be permitted, subject to specific criteria relating to nature conservation, access for pedestrians, cyclists and road traffic and that it does not prejudice the amenity of local residents, adjoining uses or other users.

5.37 Therefore, Policy L13 does not protect existing uses within the designated areas but instead seeks to provide a permissive policy approach to applications for such development in these locations.

5.38 The Segas Sailing Club was considered an 'Asset of Community Value' ('**ACV**') by Medway Council on 20 April 2023 as it met the criteria as set out in S88(1) of the Localism Act 2011. The designation of part of the Site as an ACV, can be a material consideration in the determination of the planning application.

5.39 The potential reprovision of the Segas Sailing Club within the Site boundary ensures that the existing use is provided for and is therefore acceptable in principle in this respect.

5.40 As detailed above, extensive consultation has been undertaken with the Sailing Club to attempt to provide facilities which are supported by members. The proposed reprovision of the Sailing Club, whether this is within the Site or elsewhere, is a benefit to the scheme as it allows for the use to remain whilst improving the current facilities. It is demonstrated that the provision for the Sailing Club is acceptable in principle, when considered against Policy LP13 of the Local Plan and the aims of the NPPF.

Summary

5.41 The Proposed Development seeks planning permission, in both the detailed and outline elements, for a mixed-use scheme within the urban area of Gillingham on a brownfield site which is underutilised and in significant need of remediation and regeneration.

5.42 The proposals provide a sustainable redevelopment which will contribute significantly to housing needs in Medway, including specialist later living accommodation; as well as providing a foodstore and smaller commercial opportunities; allows for the potential reprovision of the Segas Sailing Club and provides a new purpose built replacement facility for SGN. As set out within the pre-application response, it is agreed that the principle of development of the Site for the proposed uses is acceptable.

5.43 The site contamination and other constraints require the foodstore, and SGN facility, to be the initial element of redevelopment, particularly as the foodstore provides for the wider site enabling works to be undertaken in order to facilitate the development of the residential element of the scheme.

5.44 **Appendix 1** provides the necessary assessment to demonstrate that the proposal passes the sequential test and that an impact assessment is not required and therefore the foodstore and flexible Class E uses in this location are acceptable.

5.45 The Proposed Development will positively contribute to the urban area and create a new waterfront community. The principle of mixed-use development is supported by the Local Plan, the NPPF and the Emerging Plan, which recognises the Site as having the potential for redevelopment.

2. Design

5.46 Given the hybrid nature of the application, it includes the detailed design of the foodstore and SGN facility and their associated elements, and then provides parameters and design intent for the outline elements. Included within the application is an Illustrative Masterplan which shows how the entire site could be developed, which will be in accordance with the 'Proposed Parameter Plan' (Ref: 17286 - 111A) and the Design Principles document, which sets the framework for the Proposed Development.

5.47 Paragraph 131 of the NPPF relates to design and states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

5.48 Policy S4 of the Local Plan relates to landscape and urban design and states that development should respond appropriately to its context, reflecting a distinct local character. The policy is broadly consistent with the aims of the NPPF with regard to design.

5.49 Good design as set out in the NPPF and the Local Plan have contributed towards the formulation of the Proposed Development. The DAS and Design Principles document provide a detailed summary of the concept and key design principles to ensure that the Proposed Development will create a successful place.

5.50 The strategic vision for the Proposed Development is to create a mixed-use waterfront community which provide high quality design throughout. The detailed design of the foodstore and SGN facility and the initial phase of landscaping works provide a clear indication of the design intent. The quality of design for the subsequent phase(s) included within the outline element is guaranteed through the Design Principles.

5.51 The proposed design and layout of the scheme has evolved through the pre-application process in consultation with Design Officers, Design Review Panel and public consultation. The details of how the design of the scheme have transformed over time are set out within the DAS.

5.52 Key design features and principles which will inform and establish the environment at the Site include:

- Create a mixed-use scheme with areas of residential and varying sizes of commercial floorspaces;
- Sustainable design and layout which considers how residents and visitors interact with the Site;
- Modern and high quality detailed design and materials for the foodstore and SGN;
- Public realm which provides connection to the waterfront and creates play spaces for differing age groups;
- Cohesive townscape with high quality indicative design principles; and
- A nodal point within the Site which celebrates the industrial heritage of the gasworks and wider Gillingham.

5.53 The Building Height Policy for Medway 2006 SPD (2006) sets out the relevant criteria for determination of applications relating to tall buildings, which includes any proposals for buildings taller than six storeys. The SPD states that it is essential that higher buildings contribute positively to the overall townscape and landscape and do not detract from their surroundings and should respect and enhance an area's identity.

5.54 Whilst only at outline stage, the residential area of the proposals includes taller buildings which have been considered in relation to the Building Height SPD. The application includes a parameter plan which provides maximum heights for the proposed residential elements which have been established against the existing surrounding scale and massing.

5.55 The Townscape and Visual Impact Assessment ('**TVIA**') prepared by Turley provides detail of the baseline and the impact the proposals will likely have on the surrounding townscape and character of the area. The TVIA recognises that the existing Site makes a limited positive contribution to the townscape character of the area and that there is an opportunity to directly improve the character of the Site and indirectly improve neighbouring areas.

5.56 The TVIA provides detail of how the Proposed Development will appear from visual receptors within the local area, which were agreed at pre-application stage with the LPA. Specific consideration has been given to views from users of the River Medway and surrounding Public Rights of Way. The visuals within the TVIA of the outline element of the Proposed Development are indicative and demonstrate the maximum heights at which the buildings would be constructed. The TVIA concludes that the effects of the Proposed Development on townscape and visual receptors overall would be beneficial or neutral and therefore accord with relevant policy.

5.57 The Proposed Development is of high quality design and the detail provided within the DAS, TVIA and other supporting documents demonstrates that the proposals have given due consideration to the surrounding area. The proposals provide an opportunity for a significantly improved redevelopment of an existing brownfield site which includes indicative detail for the outline element and detailed design for the detailed element of the application. It is demonstrated that there has been careful consideration of the design of the hybrid scheme and the proposal has responded to the surrounding townscape context and reflects a distinct local character, in accordance with Policy S4 of the Local Plan and the aims of the NPPF.

3. Flood Risk and Drainage

5.58 The Site is in within varying flood zones, with the southern parcel of the Site located within Flood Zone 1 (the lowest risk of flooding) and Flood Zones 2 and 3 located north and partially to the western area of the Site.

5.59 Policy CF13 of the Local Plan relates to tidal flood risk areas. However, the Emerging Plan is more consistent with the aims of the NPPF. The Flood Risk Assessment and Drainage Strategy ('**FRADS'**) has been undertaken in line with the NPPF and the 'Flood Risk and Coastal Change' section of the PPG.

5.60 Section 14 of the NPPF provides guidance in relation to flood risk and how it should be assessed and mitigated against where necessary. Paragraph 170 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk and where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

5.61 The application includes a Flood Risk Sequential Assessment and Exception Test ('**FRSA'**), prepared by Savills. The FRSA demonstrates that the Proposed Development meets both the Sequential and Exception

Tests and the Site is 'suitable' in line with the requirements of the NPPF. The scope of the FRSA was agreed with MC at pre-application stage.

5.62 The FRADS sets out that flood resistant and resilient measures can be put in place in those areas of potential risk. The FRADS demonstrates how the development can be made acceptable in flood risk terms, which is summarised below.

5.63 The FRADS provides the relevant detail which confirms that the Proposed Development can be made adequately flood resistant and resilient, does not place additional persons at risk of flooding, offers a safe means of access and egress and the inclusion of a flood evacuation plan, does not increase flood risk elsewhere and will put in place measures to ensure surface water is appropriately managed.

5.64 The drainage and SuDS Strategy has been prepared and forms part of the FRADS. The document establishes a strategy for the Proposed Development including a drainage strategy plan (Ref: C3100-C01).

5.65 The strategy proposes to discharge surface water via attenuation with additional SuDS which will improve the quality of water discharged and provide a 50% betterment in terms of the discharge rate. A total storage volume of 1,637 m3 has been provided through attenuation features and further SuDS features have been incorporated into the scheme including bioretention areas and permeable paving.

5.66 Foul water will be collected via a gravity system which will direct flows to a diverted Southern Water Combined sewer.

5.67 The drainage and SuDS strategy provides detail regarding the proposed surface water drainage strategy and identifies that further detail relating to the outline element will be provided at Reserved Matters stage.

5.68 The Proposed Development accords with the NPPF, the Local Plan and Policy DM1 of the emerging Local Plan in respect of flood risk and drainage.

4. Archaeology and Heritage

5.69 The Site is a former gas works which includes two redundant gasholders, one of which is a column and frame structure. The Site also has the potential to include matters of archaeological interest. The assessment below,

read alongside the Archaeological Desk Based Assessment ('**DBA**') prepared by SWAT Archaeology, constitutes the Heritage Statement associated with this application.

Archaeology

5.70 Paragraph 207 of the NPPF states that where a site on which development is proposed includes heritage assets with archaeological interest, developers should provide a desk-based assessment.

5.71 The DBA provides details of the history of the built form and the archaeological points of interest. The DBA provides several historic maps and aerial photography which demonstrates that the Site was marshland until 19th century when the southern part of the Site on the mainland began to be used for production and during the 20th century the northern part of the marshland area was reclaimed, became made ground and formed part of the gas works.

5.72 The DBA concludes that the Site is within an area of moderate potential of archaeology for the Roman period and high potential relating to Post Medieval period, with the potential for other periods being considered low. The Proposed Development will likely impact on any potential archaeology, however, the site has been subject to a significant amount of truncation and the survivability of remains is uncertain.

5.73 The DBA concludes that the need for, scale, scope and nature of any further assessment or archaeological works should be agreed through consultation with the authority and can be attached to any subsequent permission as a suitably worded condition.

Heritage

5.74 The DBA recognises that the column and frame gasholder is considered a Non-Designated Heritage Asset ('**NDHA'**). The NPPF states that in determining applications, the LPA should require the applicant to describe the significance of any heritage assets affected and should be proportionated to the assets' importance (Paragraph 207).

5.75 Guidance provided by Historic England 'Gasworks and Gasholders – Introductions to Heritage Assets' (November 2020) provides an overview of the historical background and chronology of the development of the manufactured gas industry from its origins in the 1790s through to the adoption of natural gas (1949-1967).

The document provides an understanding of the history of gasholders and how the structures changed over time. The guidance has been considered in this heritage statement.

5.76 The history of the gasworks is set out within the DBA, and the historical OS maps confirm that the Site was partially used for gasworks since approximately 1869. The mapping shows that there were several changes over the years relating to the gasholder structures. From aerial photography, it is clear that the column and frame gasholder has been in situ since at least 1924.

5.77 Historic England provide recording of the 'Manufactured Gas Industry' which determines that the Site includes two surviving features which are an above ground 'Cutler patent frame guided gasholder' (the column and frame gasholder) and below ground spiral guided gasholder. The column and frame gasholder is the structure which can be seen from the surrounding area whereas the spiral guided gasholder can only be easily viewed from within the Site.

5.78 The information provided by Historic England confirms that in 1854, the original freeholds for the gasworks site were obtained and the site was built adjacent to the River Medway, with much of the site built on reclaimed land. The history of the gasworks and ownership has varied over the years with gas production ceasing in 1968.

5.79 As set out within the DBA, the remaining column and frame gasholder structure was constructed in the early 20th century and is framed of a rivetted lattice type, of which there are many surviving examples. The DBA confirms that the remaining structure is a column guided gasholder (i.e. the Cutler patent frame guided gasholder as identified by Historic England) which is of low significance.

5.80 Historic England published guidance in 2019 titled 'Gasworks and Redundant Gasholders – Guidelines for their Evaluation and Recording' (the '**Guidance**'). The Guidance provides a summary of the history of gasworks and the importance they played in meeting the nation's energy needs during the 19th and 20th centuries. The Guidance more specifically provides details of the level of recording and how this can be effectively undertaken in relation to the type of structures which remain. There is significant detail within the Guidance which provides a variety of approaches and best practices which may be adopted and the benefits which assessment and recording play in any future conservation strategy for retained buildings and structures, including gasholders.

5.81 The DBA recommends recording of the NDHA. The Guidance will be followed when establishing if any building recording should be undertaken and the process this should follow.

5.82 Section 16 of the NPPF is relevant in the assessment of the historic environment and Paragraph 216 states that the effect of an application on the significance of a NDHA should be taken into account in determining the application. In weighing applications, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

5.83 In accordance with the NPPF and Local Plan, the significance of the asset has been described within this statement. It is established that this NDHA is of low significance and the benefits of the scheme (as set out within paragraph 5.153 of this statement) outweigh the level of harm arising from the loss of this NDHA. The proposal includes indicative designs for inclusion of a landscaping feature which celebrates the heritage of the Site, such as an area which replicates part of the gasholder structure, within the landscape plan to provide a public benefit which celebrates the heritage of the previous gasholder use.

5. Transportation and Highways

5.84 The application includes a Transport Assessment ('**TA**'), and two Framework Travel Plans ('**FTP**') prepared by Connect. One FTP relates to the staff associated with the commercial elements of the proposal and one for the residential element. The submission includes a Waste Management Plan for the foodstore and SGN facility, contained within Section 3.5 of the TA.

5.85 Local Plan Policy T1 (Impact of Development) sets out the criteria which must be considered in relation to proposed development and the road network. The TA provides details which demonstrate that the proposals will be acceptable in terms of there being adequate capacity on the highway network to cater for the traffic arising from the development. The TA also includes details relating to the alterations required to the existing access from Strand Approach Road. The TA demonstrates that the proposal accords with the aims of Policy T2 and the NPPF in relation to safe access to the highway.

5.86 The proposed layout includes provision for pedestrians and cyclists with a proposed shared surface access point from Pier Road which directly links to the existing bus stop to improve connectivity and provision for pedestrians, in accordance with Policies T3 and T4 of the Local Plan.

5.87 Section 2 of the TA provides a comprehensive assessment of the current context of the Site and demonstrates that it is accessible by all forms of private, public and sustainable modes.

Proposed Parking Provision

5.88 Policy T13 of the Local Plan relates to vehicle parking standards and states that all development should comply with the requirements of the adopted standard. The adopted standard is made up of the Medway Council Interim Residential Parking Standards (March 2010) and the Medway Council Parking Standards (September 2004) which is set out in further detail within the TA.

5.89 Section 3 of the TA provides an assessment of parking provision proposed at the Site and demonstrates the overall parking provision accords with the adopted standard and in agreement with highways officers at pre-application stage.

5.90 The detailed element of the Proposed Development includes a total of 111 car spaces, provided at the foodstore, 7 of which are accessible bays, 7 for parent and child and 4 EV charging bays. The detailed element also includes provision of 12 car spaces, provided at the SGN facility, 2 of which are accessible and with 1 EV charging bay. There are 14 cycle parking spaces provided at the foodstore and 6 provided at the SGN facility.

5.91 The outline element of the Proposed Development for the residential element includes indicative provision for up to 312 car spaces, 6 of which are indicatively marked as accessible bays and 10 as indicative car club spaces. The proposal includes indicative provision for up to 568 cycle spaces for the residential element. For the care home / later living, there are up to 15 car spaces with one space indicatively shown for an accessible bay and the potential for up to 10 cycle spaces.

5.92 The final quantum of both car and cycle parking within the outline element of the Proposed Development will be set out in future Reserved Matters application(s) and depend of the final quantum and mix of uses within each outline phase.

5.93 Section 3.7 of the TA provides detail of the non-residential car parking standards proposed in both the outline and detailed elements of the scheme. Section 3.8 provides the detail relating to residential parking standards and demonstrates that the proposed parking provision is acceptable and accords with the adopted standards. The residential parking has been calculated using census data and available information online regarding car clubs which demonstrates how the proposed parking may be provided within the outline element. In agreement with MC highways team, the assessment allows for 10 car club spaces and these have been detailed and justified within the TA.

Development Impact Assessment

5.94 As set out in Section 3 of the TA, a traffic assessment has been undertaken to understand the existing traffic flows and the potential impact the Proposed Development may have on the surrounding road network. The TA provides detailed analysis of total development trip attraction / generation.

5.95 Section 5 of the TA provides a junction capacity assessment for the Site Access / The Strand Approach Road, SGN Site Access / Pier Road and the Strand Roundabout to ensure a robust traffic assessment has been provided in addition to the more general traffic assessment in Section 3. The TA determines therefore that the traffic effect is therefore not likely to unacceptably impact the operation of the surrounding road network.

5.96 The capacity assessment for all three junctions concludes that they will operate within capacity for all peak periods and that there does not appear to be any particular pattern within the recent collision records which would suggest that the Proposed Development would materially affect the pattern of collisions in the vicinity of the Site.

5.97 The Proposed Development accords with the requirements of Policy T1 of the Local Plan in that the assessment has considered and demonstrated that the highway network has adequate capacity to cater for the traffic which will generated.

5.98 The TA demonstrates that the Proposed Development will not have ‘severe’ impacts on the highway network and therefore it accords with Paragraph 116 of the NPPF.

Sustainable Transport Initiatives

5.99 The Applicant is committed to making the scheme a sustainable development, with travel, improved accessibility, and transportation an important part of the overarching vision. The indicative masterplan for the Site has been designed to prioritise pedestrian and cycle movements where possible. The first phase of the development ensures that there is a new pedestrian and cycle link from the bus stop on Pier Road which positively contributes to improved non-car priority. The improved permeability of the Site to the waterfront promotes sustainable travel, specifically for pedestrians and cyclists.

5.100 Policy T14 specifically relates to Travel Plans and states that they will be required for all developments which require a transport assessment or as otherwise required by the Council's vehicle parking standards.

5.101 The FTPs included as part of the planning application set a series of objectives which include a strategy for reducing dependence on travel by private car.

5.102 As part of the Proposed Development, a series of physical and operational processes will be implemented to promote the use of public and sustainable modes of travel to reduce reliance on private modes. These include the provision of the cycle and pedestrian link which promotes more sustainable travel modes and improves ease of access to the adjacent bus stop at Pier Road. The outline element of the proposals which includes up to 500 residential units, includes up to 10 car club spaces which will be promoted through the FTP. The initiatives are phased as the proposals develop through the Reserved Matters stage.

5.103 As set out, a FTP has been provided in relation to all commercial uses, including the foodstore, SGN facility, care home / later living and the Class E floorspace within the outline element. The FTP sets out the proposed initiatives which will be promoted such as car clubs, car sharing, walking and cycling to work.

5.104 A full summary of all the initiatives connected to the Proposed Development is included within the FTPs prepared by Connect Consultants.

5.105 The various initiatives included as part of the Proposed Development accord with MCs parking standards.

6. Public Realm and Landscaping

5.106 The Site measures 4.49ha and provides an opportunity to create meaningful areas of public realm through hard and soft landscaping across both the detailed and outline elements. The Proposed Development will include areas of both public and private amenity spaces, including play spaces and public realm and enable the local community to access the waterfront. It has been designed to enable a continuous waterfront route, subject to future development proposals on adjacent sites. The allowance for potential future connections along the riverside is in line with the emerging vision for Medway Council.

5.107 The landscape proposals are shown within the 'Landscape Proposed (Full app)' (Ref: 17286-1001-P05) ('**Detailed Plan**') and the 'Landscape Proposals (Outline app)' (Ref: 17286-1002-P02) ('**Indicative Outline Plan**') which demonstrates how the landscape scheme for the wider outline element could come forward through Reserved Matters stage(s).

5.108 Policy BNE6 of the Local Plan relates to 'Landscape Design' and sets out the key factors which landscaping schemes should consider such as quality open spaces, appropriate planting schedules and details of hard works elements such as boundary treatment and street furniture.

5.109 The Detailed Plan includes the entrance to the Site, the foodstore, SGN facility and critically the proposed pedestrian and cycle link from Pier Road into the Site. The proposals include retention, maintenance and some clearance of existing vegetation to the boundary with Pier Road.

5.110 A Tree Survey has been undertaken to establish the quality and category of trees, a total of two individual trees and seven tree groups were surveyed, all of which are either category B or C trees. The proposals require the removal of the two individual trees and two tree groups. The proposals also require the partial removal of three tree groups and potential to impact on one tree group's root protection area. The landscaping proposals have favoured retention of trees where possible and specifically along the boundary with Pier Road to create a soft landscape boundary with the Site and surrounding area.

5.111 The Detailed Plan also indicates new trees to be introduced by the development. The proposals include a mix of native and ornamental trees and shrubs to create a diverse soft landscaping scheme across the detailed element of the scheme. The Detailed Plan has proposed soft landscaping where possible to improve the visual

amenity of the area. Specifically, there is meaningful landscaping within the 'central islands' of the proposed pedestrian and cycle link with Pier Road. The areas of public realm to be introduced as part of the detailed element of the proposals improves connectivity into the Site and with the wider area.

5.112 The Indicative Outline Plan indicates how the landscaping across the outline element of the scheme could come forward and is intended to guide future Reserved Matters application(s). The Indicative Outline Plan has focused on interaction with the waterfront and demonstrate that a high quality public realm can be achieved. This can also connect the Site with the wider coastal path where possible, subject to future development proposals on adjacent sites.

5.113 The Indicative Outline Plan includes areas of both public and private space. The private amenity space for future residents of the Site are proposed to be located at podium level to ensure that the spaces are not publicly accessible from ground floor level. The Indicative Outline Plan also indicates areas of public amenity space which can be utilised by all.

5.114 The scheme provides a nodal point of interest within the key connection point through the Site. The area located to the north of the SGN facility has been established as an important feature as it is where travel through the Site is likely to be concentrated. The nodal point in this location is key to the wider indicative landscape proposals and the Indicative Outline Plan shows the inclusion of both a heritage and water feature which positively contributes to the public realm of the wider site.

5.115 The proposed public realm and landscaping at the Site accords with Paragraph 135 of the NPPF which seeks to ensure that developments are visually attractive and include appropriate and effective landscaping.

5.116 The DAS includes details of landscaping measures, including hard landscaping and proposed boundary treatment to the Site. The Proposed Development has considered all landscaping elements which contribute to a high quality waterfront public realm strategy with indicative proposals for the outline element of the scheme. It is demonstrated that the proposal accords with Policy BNE6 of the Local Plan by providing proposals which show landscaping at the Site which is well-located, high quality and will be an attractive public space which significantly improves access to the waterfront. The proposed spaces are attractive and functional in accordance with Policy BNE6 of the Local Plan and the aims of the NPPF.

7. Ecology and Biodiversity

5.117 Policy BNE37 of the Local Plan states that development which causes a loss of important wildlife habitats will not be permitted unless the criteria, as listed within the policy, are met. The local policies are mostly consistent with the national policies and targets set out in Section 15 of the NPPF. The introduction of Mandatory Biodiversity Net Gain ('**BNG'**) is set out in more detail within this statement.

5.118 An Ecological Impact Assessment ('**EcIA**') has been submitted which provides the detail of the ecological baseline of the Site and surrounding ecological designations. As set out in the EcIA, the Site is located within close proximity to two sites of ecological international importance which include the Medway Estuary and Marshes SPA and Ramsar and three designated sites of national importance including two SSSI's and a Marine Conservation Zone.

5.119 The EcIA also provides detail of potential for specific species and in the first instance recommended additional surveys including a Winter Bird, Black Redstart, Bats and Reptiles surveys which have been undertaken and submitted with the application. The surveys determine that through appropriate mitigation measures, there will be an acceptable impact arising from the Proposed Development in accordance with Policy BNE39 of the Local Plan relating to 'Protected Species'.

5.120 The Detailed Plan has been designed to maximise potential for enhanced ecology by creating areas with a variety of potential habitats including: native trees, shrub planting, flowering lawn and wildflower grass seed. The Indicative Landscape Masterplan also sets out details of biodiversity enhancements which will be provided across the Site, including bird and bat boxes.

5.121 A report titled 'Information to Inform an Assessment under the Habitats Regulations' ('**IIHRA'**) has been submitted with the application in line with national requirements to provide information associated with potential effects arising as a result of the Proposed Development on SPAs, SAC and Ramsar sites. The IIHRA includes an 'Evidence to Support Stage 1 (Screening) Habitats Regulations Assessment' which screens out any matters which are not likely to have a significant effect. The 'Stage 2 (Appropriate Assessment)' of the IIHRA has then been undertaken to inform the assessment by the LPA, in order to demonstrate that the scheme will not have any significant adverse effects on the Medway Estuary and Marshes SPA/Ramsar

5.122 In summary, the IIHRA provides details of the potential disturbance during both construction and operation such as impact on air, water and recreational disturbance. Recreational disturbance on the local European sites are funded by financial contributions based on the planned number of residential dwellings included within a planning application. Given the proximity of the Site, it is likely that an appropriate contribution to the North Kent SAMMS will be provided which will adequately mitigate and ensure there is no adverse impact on the Medway Estuary and Marshes SPA/Ramsar.

5.123 Mandatory BNG became a requirement for all developments, other than some exceptions, from 2 April 2024 under Schedule 7A of the Town and Country Planning Act 1990 ('**TCPA'**). This sets a requirement for developments to deliver a minimum of 10% net gain compared to the pre-development baseline. The BNG Report and associated matrix demonstrates that the Proposed Development will meet the requirement of a minimum 10% net gain across the detailed and outline areas taken together. The BNG report, based on the landscape plans prepared by Smeeden Foreman (as referred to at paragraph 5.107 of this Statement) demonstrates the potential for an increase of 2.98 habitat biodiversity units which equates to a 58.35% net gain and an increase of 2.50 hedgerow biodiversity units which equates to a 298.02% net gain. However, whilst delivering a net gain in relation to overall areas, the proposal, does not fully meet the trading rules of the metric, by 0.79 habitat units and 0.02 watercourse units. As the final BNG can only be accurately calculated at Reserved Matters Stage, once detailed landscaping proposals area prepared, this can either be addressed at that stage, or offsite provision / contributions / credits may be required.

5.124 The Proposed Development will overall deliver a material improvement in the overall ecological value and biodiversity of the Site and can achieve signification gains in relation to biodiversity habitat areas.

8. Ground Conditions

5.125 The application includes a Phase I Preliminary Risk Assessment ('**PRA'**), Phase 2 Ground Investigation Report and Environmental Assessment ('**GIR'**), a Detailed Quantitative Risk Assessment Report ('**DQRA'**) and a Remediation Strategy and Verification Plan ('**RSVP**') which provide an assessment of the status of the Site and the potential risk of contamination including mitigation and remediation measures.

5.126 Policy BNE23 (Contaminated Land) of the Local Plan states that development which is known or likely to be

contaminated must be accompanied by a detailed site examination to identify contaminants and the risks that these might present to human health and the wider environment. The policy also states that appropriate measures to reduce or eliminate risk must be agreed and remedial measures implemented prior to the development being occupied.

5.127 The PRA provides detail of the relevant history of the Site in relation to potential contaminants from the uses which occurred at the Site over the years. The PRA recommends that an intrusive investigation is undertaken to assess the underlying ground conditions, based on the history of the Site.

5.128 The GIR provides detailed recording and data relating to ground investigations and groundwater including geo-environmental testing. The assessment provides details of several risk assessments relating to human health, pollution and ground gas. The GIR importantly provides detail of mitigation measures which should be undertaken, including a DQRA which has been submitted with this application which recommends the necessary remediation required to remove the contamination.

5.129 The RSVP provides details of the remediation strategy for pre-demolition, enablement and construction phase to ensure that the land is effectively remediated and any mitigation is appropriately utilised which can be controlled via condition. As set out previously, the foodstore is proposed as the initial phase of development and this, along with the SGN facility, will in turn facilitate remediation of the wider Site. Remediation across the site is therefore likely to take place in stages.

5.130 The proposal and reports submitted with the application, provide details of the testing and reporting required to remediate the Site. It is demonstrated that the proposal accords with Policy BNE23 of the Local Plan and the information submitted allows for the LPA to fully consider all potential impacts arising from the existing ground conditions.

9. Amenity

5.131 The NPPF seeks to ensure good design within all new development and states at paragraph 135 that planning policies and decisions should create places that have a high standard of amenity for existing and future users. Policy BNE2 of the Local Plan relates to Amenity Protection and states that all development should secure the amenities of it future occupants and those nearby by having regard to privacy, daylight, sunlight, noise,

vibration, air impacts and activity levels and traffic generation.

5.132 The Proposed Development has been designed with a clear focus on creating a natural and enjoyable environment at the Site. Impact on amenity at the Site and beyond its boundaries have been formally tested.

5.133 The application includes a Noise Impact Assessment ('**NIA**'), Air Quality Assessment ('**AQA**'), a Daylight, Sunlight and Overshadowing Report ('**DLSL'**) and a Lighting Strategy which provide relevant information relating to potential impacts arising from the Proposed Development. As the application is in hybrid form, the assessments have provided sufficient detail relevant to each element of the scheme.

Noise Impact Assessment

5.134 Policy BNE3 of the Local Plan specifically relates to 'Noise Standards' and sets out the noise exposure categories which should be applied. The NIA provides details of the noise monitoring which was undertaken to establish baseline acoustic conditions and confirms that the prominent noise source was traffic on Pier Road.

5.135 In relation to the detailed element of the foodstore and SGN facility, the NIA recommends that a condition is attached to any subsequent permission which controls noise from any plant or equipment such that noise sensitive receptors within and surrounding the development will be protected from adverse noise effects. The NIA concludes that the proposal accords with national policy and guidance and Local Plan policy with regard to any potential noise impacts for neighbouring occupiers.

5.136 As the care home / later living and residential units are located within the outline element and have not been subject to detailed design at this stage, the NIA provides recommendations which should be implemented at Reserved Matters stage to ensure the noise environment for future occupiers is acceptable.

Air Quality Assessment

5.137 The AQA confirms that whilst the Site is not located within an Air Quality Management Area, it is directly adjacent to one which is located to the south on Pier Road. The AQA assesses the impacts of the Proposed Development at both its construction and operational phases.

5.138 The analysis within the AQA identifies sensitive receptors which include future occupiers of the development, neighbouring or nearby uses such as residential or schools and the ecological receptors as identified within the AQA.

5.139 The impact of road traffic emissions is assessed at 2030 (when the first year of full operation is expected). The AWA concludes that the predicted effects of the development on local air quality in terms of both human health and ecology are concluded to be negligible and not significant. However, it is recommended that appropriate mitigation measures, such as provision of EV charging points, are included.

5.140 The AQA demonstrates that the Proposed Development is acceptable in terms of air quality.

Daylight / Sunlight

5.141 The DLSL has undertaken the assessment by using the maximum potential massing which may be constructed based on the Proposed Parameter Plan (Ref: 17286 - 111A), and which will be subject to future Reserved Matters application(s). It has considered neighbouring residential properties to the south of the Site which have the potential to be impacted on by the Proposed Development. The technical analysis confirms that all windows and rooms would meet the BRE criteria and therefore neighbouring residents would not notice any changes to their daylight and sunlight amenity.

5.142 A general assessment of the daylight availability for the residential area and associated amenity areas within the Proposed Development has then been undertaken which establishes that the height and spacing of the residential blocks would allow for very high levels of daylight potential alongside excellent levels of sunlight reaching proposed amenity areas. At Reserved Matters stage, further analysis of the daylight and sunlight standards for future residential occupiers of the Outline element of the scheme will be undertaken.

Lighting Strategy

5.143 A lighting strategy has also been provided to demonstrate that the proposal is acceptable in terms of any potential impact to the environment from external lighting required to the scheme and demonstrate accordance with Policy BNE5 of the Local Plan in relation to lighting.

Summary

5.144 It is demonstrated from the relevant reports submitted with the application that the Proposed Development is acceptable in terms of impact on amenity both for future occupiers and any neighbouring parties. The detailed design of the outline element will be considered at Reserved Matters stage and will be appropriately assessed in terms of amenity impacts. The proposal accords with Policy BNE2 of the Local Plan and the aims of the NPPF.

10. Energy and Sustainability

5.145 The overarching objective of both local and national policies is to achieve sustainable forms of development with key considerations given to the location and form of development. Paragraph 168 of the NPPF states that when determining planning applications for all forms of renewable and low carbon energy, LPAs should give significant weight to the benefits associated with the energy generation.

5.146 The economic strand of 'sustainable' development is addressed within the Economic Statement submitted with the application and therefore this section focuses more on the operational elements of sustainability.

5.147 Policy BNE4 of the Local Plan relates to 'Energy Efficiency' and provides details of specific criteria which should be considered in the design of the Proposed Development. The criteria include matters such as potential for maximising passive solar heating, natural lighting and natural ventilation, the appropriate use of soft landscaping, energy efficient technology including solar panels and high standards of building materials with the lowest possible embodied energy.

5.148 The application includes an Energy and Sustainability Statement which sets out a series of initiatives and targets which are incorporated into the Proposed Development. In particular, within the detailed element, the proposed foodstore and SGN facility are including measures such as the fabric first approach, heat pumps and photovoltaic panels ('**PVs'**).

5.149 The Energy and Sustainability Statement demonstrates that several measures are being adopted to ensure the energy efficient design informs both the detailed and outline elements of the Proposed Development. Air Source Heat Pumps and PVs are proposed to provide on-site renewable energy to serve the floorspace and

help meet demand of future occupiers.

5.150 It is demonstrated that the proposal accords with Policy BNE4 of the Local Plan and aims of the NPPF.

11. Benefits of the Scheme

5.151 The Proposed Development includes a number of significant benefits which include social, economic and environmental benefits to the surrounding area and wider Medway Local Authority.

5.152 The Economic Statement, prepared by Savills fully details the economic benefits of the scheme, which are summarised below. The scheme delivers job opportunities, contributes towards local authority revenues as well as contributing towards improved social value.

5.153 A summary of the key benefits of the scheme are set out below:

Economic

- Deliver substantial economic benefits such as the GVA generated by the detailed element is estimated to be £1.7 million per annum, and £8.5 million per annum for the outline element, equating to £10.2 million per annum in total.

- Deliver the creation of jobs with circa 230 Gross FTEs for the overall operational phase and an additional circa 280 FTEs per annum during the construction phase.

- The cumulative social value generated by the Proposed Development is estimated to be around £15m during the construction period. Skills and qualifications social value can reach £8m over 30 years in Net Present Value.

- Delivering a mixed-use scheme in a sustainable location which supports growth for flexible uses of varying sizes to provide the opportunity for innovation, specifically through the smaller commercial units within the outline element.

- The development proposals will provide new high quality and well-designed mixed-use development in a sustainable location, making efficient use of brownfield land in accordance with Paragraph 124 of the NPPF.

Social

- Deliver up to 500 homes of varying type and size for future residents and assist the LPA in meeting their future housing requirements. The delivery of up to 500 new homes is a significant benefit to the LPA and local community given the shortfall of housing supply within the area and should be afforded appropriate weight.

- The scheme can deliver an appropriate mix of units at Reserved Matters stage which are capable of accommodating a range of people, including families, ensuring a balanced community and meeting the needs of present and future generations.

- The creation of a waterfront community which will enhance and reinforce the importance of the urban waterfront within Medway in line with the strategic Vision within the Emerging Plan.

- The proposals incorporate good design principles which result in development which will achieve sustainable, development on previously developed, 'brownfield' land.

- Create a meaningful quantum of new public space including multi-functional landscaping including play space to promote healthy communities.

- The redevelopment of the site will bring it back into use and improve the quality of relationship with the nearby Strand Leisure Park.

- There are opportunities for uses within the flexible Class E space which can provide areas for the local community to meet and dwell.

Environmental

- The remediation of a contaminated site and improvement of the dilapidated and failing sea wall.
- Making effective use of land, through the development of a brownfield site for appropriate uses and at appropriate densities.
- Support the transition to a low carbon economy, through utilising renewable energy technologies such as PV panels, the fabric first approach and heat pumps.
- To deliver biodiversity net gain of a minimum 10% and with the potential for up to 58.35% net gain in habitat biodiversity units and 298.02% net gain in hedgerow units to be delivered across detailed and outline phases which improves overall biodiversity.

5.154 Paragraph 85 of the NPPF sets out that *'…Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development….'* Also paragraph 125(c) of the NPPF states that *"give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land"*. Therefore, the appropriate weight should be afforded to the Proposed Development in this context and as directed by the NPPF.

12. Planning Obligations (S106 – Heads of Terms)

5.155 Planning obligations can assist in mitigating the actual or potential impacts of development. They can only constitute a reason for planning permission if they meet the tests set out in paragraph 58 of the NPPF.

5.156 This states that the obligation must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

5.157 It is anticipated that Heads of Terms may include:

- Provision for, or a contribution to, car club vehicles associated with the future residential element; and

- Potential financial contribution for recreational disturbance to the local European sites, associated with the future residential element.

13. Community Infrastructure Levy

5.158 Medway Council are not a Community Infrastructure Levy (CIL) charging authority. Therefore, the proposed development is not liable for CIL.

6. Summary and Conclusions

6.1 This hybrid application seeks detailed and outline planning permission for the phased development of a mixed-use waterfront community at the Old Gas Works, Gillingham.

6.2 The detailed element of the application comprises an initial phase for demolition, construction of the foodstore and SGN facility and associated landscaping, alterations to the existing access from Strand Approach Road, and a new cycle and pedestrian link to Pier Road.

6.3 The outline element of the application is for the remainder of the Site. All matters are reserved for future submission in relation to the proposed development of up to 500 residential units, flexible Class E floorspace and up to 140 bed care home / later living as identified in the parameter plan and design principles. It also includes provision for a Sailing Clubhouse, subject to further discussions over its relocation as detailed in this Statement. The outline element includes areas of play space, landscaping and parking.

6.4 The Proposed Development will remediate and significantly improve the existing Site and therefore the surrounding area. The detailed element of the proposal allows for the remainder of the Site to be redeveloped within a phased approach and provide a high quality waterfront community.

6.5 The documentation and evidence submitted as part of this application demonstrates that the proposed development is acceptable in principle, and that the proposals can be accommodated within the Site when having regard to all relevant considerations (such as transportation and highways, amenity, flooding, landscaping and ecology).

6.6 The Proposed Development accords with the preferred indicative approach for growth options within the Emerging Plan by providing redevelopment of a brownfield site within the urban area of Gillingham. The proposal also significantly contributes to the LPAs housing land supply, which is currently at 3.1 years.

6.7 The Proposed Development will generate a number of significant benefits which weigh heavily in favour of the grant of planning permission. It will re-provide the existing SGN facility which is required to be in this location

given the existing below ground gas infrastructure. The foodstore, SGN facility and flexible Class E floorspace will generate a range of associated benefits including new jobs, enhanced training and increased wages.

6.8 The Applicant has also demonstrated that the Proposed Development will:

a) Create a new waterfront community within Gillingham which will enhance and reinforce the importance of the urban waterfront within Medway in line with the emerging strategic Vision within the draft Local Plan.

b) Achieve sustainable mixed-use development on previously developed, 'brownfield' land by remediating a contaminated site.

c) Deliver substantial economic benefits, including significant private investment and the creation of jobs of up to circa 230 Gross FTEs for the overall operational phase with an additional circa 280 FTEs per annum during the construction phase.

d) Deliver up to 500 homes of varying type and size for future residents and assist the LPA in meeting their housing requirements.

e) Create a meaningful quantum of new public space including multi-functional landscaping including play space.

f) Achieve high levels of sustainability, by utilising renewable energies and sustainable construction methods.

g) Deliver biodiversity net gain of a minimum 10% and with the potential for up to 58.35% net gain in habitat biodiversity units and 298.02% net gain in hedgerow units to be delivered across the detailed and outline phases.

6.9 In light of the above, the Applicant has also demonstrated that:

- The Proposed Development accords with the relevant policies in the development plan when read as a whole;

- The Proposed Development accords with the principal material considerations, namely the economic, social and environmental objectives to secure sustainable economic development established by the NPPF; and
- There are no other material considerations that should outweigh the presumption in favour of granting planning permission for sustainable economic development.

6.10 As the Proposed Development accords with the development plan, planning permission should be granted in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. Furthermore, there are a range of significant benefits which outweigh any potential adverse impacts and therefore weigh in favour of the grant of planning permission, as detailed in this Statement.

Appendix 1 – Sequential Assessment

Sequential Assessment

Introduction

1. Policy R11 of the Medway Local Plan (2003) applies the sequential approach to non-retail uses, whilst Policy R13 applies the sequential approach to retail uses, and Policy L2 to leisure uses, with each also including impact criteria as part of the policy. They also require transport accessibility to be considered, which is set out in the transport section of the Planning Statement and the Transport Assessment, prepared by Connect Consultants.

2. Whilst the general principle of a sequential approach under these policies is broadly in line with national policy (detailed below), it is not entirely consistent and therefore an assessment has been undertaken against the NPPF requirements.

3. Paragraphs 91 and 92 of the NPPF state that LPAs should apply a sequential test to planning applications for main town centres that are not in an existing centre or in accordance with an up-to-date development plan.

4. Paragraph 95 then states that where an application fails to satisfy the sequential test, or is likely to have significant adverse impact on one or more of the considerations in NPPF paragraph 94, it should be refused.

5. The Site is in an 'out-of-centre' location as defined by the NPPF[1] and is not allocated for development for main town centre uses. As such a sequential assessment is required under the terms of the NPPF. As set out in Section 5 of the Planning Statement, an Impact Assessment under NPPF paragraph 94 is not required, as the quantum of retail and leisure floorspace will not exceed 2,450 sq. m GEA. This has been agreed with the LPA at pre-application stage and can be controlled by a suitably worded condition.

6. This Appendix therefore sets out the sequential assessment of the proposed main town centre uses contained within the Proposed Development. In the first instance however, it is important to understand the approach to the sequential test under national policy and guidance, along with established case law. This is set out below.

[1] See Annex 2: Glossary of the NPPF

7. The PPG provides guidance in the Section 'Ensuring the Vitality of Town Centres'. The criteria used to assess whether alternative sites exist are set out in Paragraph 011 of the PPG, as follows:

- *With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly.*
- *Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge-of-centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.*
- *If there are no suitable sequentially preferable locations, the sequential test is passed.*

8. Paragraphs 012 and 013 of the PPG are also of relevant, with the latter incorporating the additional criteria of viability. These state:

> ***'How should locational requirements be considered in the sequential test?***
>
> *Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.'*
>
> ***'How should viability be promoted?***
>
> *The sequential test supports the Government's "town centre first" policy. However as promoting new development on town centre locations can be more expensive and complicated than building elsewhere* ***local planning authorities need to be realistic and flexible*** *in terms of their expectations.'*
> *(Savills' emphasis underlined).*

9. The approach to the sequential test has been clarified in various case law and establishes that it is the Proposed Development that should be assessed, whilst allowing for flexibility, and that there is no requirement to disaggregate constituent parts of proposals. Whilst the case law outlined below includes reference to the 2012 NPPF, the principle of the sequential test in relation to these matters is unchanged and therefore equally applies to the current NPPF.

10. The Rushden Lakes Secretary of State Decision June 2014 (APP/G2815/V/12/2190175), establishes that it is the proposed development that should be assessed. The Rushden Lakes Inspector's Report referred to the Tesco v Dundee UK Supreme Court judgment, as follows:

*"In summary it establishes [a] that if a site is not suitable for the commercial requirements of the developer in question then it is not a suitable site for the purposes of the sequential approach; and [b] that in terms of the size of the alternative site, provided that the Applicant has demonstrated flexibility with regards to format and scale**, the question is whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site**." (IR paragraph 8.45)*

11. The Secretary of State agreed with the Inspector in respect of the above. In the Scotch Corner Secretary of State Decision in December 2016 (APP/V2723/V/15/3132873 & APP/V2723/V/16/3143678) the Inspector found:

*"In carrying out the sequential test it is acknowledged that whilst Framework paragraph 24 indicates that applicants should demonstrate flexibility on issues such as format and scale, **it does not require the applicant to disaggregate the scheme**. The sequential test seeks to see **if the application, i.e. what is proposed,** can be accommodated on a town centre site or on sequentially preferable sites…" (IR paragraph 11.7)*

12. At paragraph 11 of the Decision Letter, the Secretary of State agreed with the Inspector's findings and which therefore confirmed there is no requirement to disaggregate. Also of relevance is the Aldergate Properties Ltd v Mansfield District Council High Court Judgment (July 2016), which states:

*35. I have no doubt but that Mr Kolinsky's essential argument is correct, for a variety of reasons. In my judgment, "suitable" and "available" generally **mean "suitable" and "available" for the broad type of development which is proposed** in the application by approximate size, type, and range of goods. This **incorporates** the requirement for flexibility in [24] NPPF, and excludes, generally, the identity and personal or corporate attitudes of an individual retailer.*

13. The above views were supported by the Cribbs Causeway Secretary of State Decision and Inspector's Report in October 2018 (APP/P0119/V/17/3170627) which, most pertinently, confirms that there is no requirement to disaggregate proposals under the sequential test. Paragraph 568 of the Inspectors Report states:

*"…As a general principle an **approach that involves disaggregation does not seem to me to fit well with the Aldergate Properties or Warners Retail judgements referred to above**. The town centre uses in the application proposals would comprise the retail and leisure uses and to divide them up would change the broad nature of the development in this case."*

14. On this basis, the NPPF sequential test seeks to see if the application scheme, i.e. what is proposed, can be accommodated on a sequentially preferable site. The sequential test includes a requirement to

be flexible on issues such as format and scale in the assessment of individual sites, but **does not** require the applicant to disaggregate the scheme. "Suitable" and "available" means suitable and available for the broad type of development that is proposed.

Methodology and Scope of the Assessment

15. The assessment of sequential sites has been undertaken in accordance with the relevant local and national policies and guidance and the latest binding authority from relevant case law as identified above.

16. In identifying potential alternative sites, there is a requirement to consider the specific format of the development and the role and function it is intended to meet. As set out in our pre-application scoping note, the focus of the Assessment should be Gillingham Town Centre, as seeking to locate the proposed floorspace in other centres further afield, e.g. Chatham, Rochester, Strood and Rainham, would serve a very different catchment area than the Application Site.

17. Notwithstanding this and for the avoidance of doubt, it was agreed that Chatham Town Centre would also be included within the sequential assessment. This approach is undertaken for completeness, however, we maintain that any such sites would serve a different catchment and therefore not be suitable or for the Proposed Development for this reason.

18. For the purpose of this Assessment, the application comprises of a foodstore of 2,021 sq. m GEA / 1,925 sq. m GIA along with associated car parking and servicing; Class E floorspace of 1,701 sq. m GIA; plus the ability for the proposed sailing club space (994 sq. m GIA) to be used flexibly and alternatively for Class E use, as detailed in this Statement and the DAS. Flexibility has been applied in the assessment of individual sites.

19. The Assessment has principally focussed on the ability of alternative sites to accommodate the foodstore, as if there are no available and suitable sites for this element of the scheme, then the sequential test is passed.

20. The sites listed below have been agreed with the LPA during pre-application discussions. We have not identified any other potential sites, including other out-of-centre sites that could benefit from a preference under the sequential test by virtue of being 'well connected' to a centre.

Gillingham

Land at Green Street, Gillingham

21. This comprises various plots of land on opposite sides of Green Street, including the former Rileys Snooker Hall and a current Royal Mail facility, located outside of but adjoining the Core Retail Area. It is an edge-of-centre location, being outside of but adjoining the Core Retail Area.

22. The former snooker hall site (circa 1,300 sq. m) is subject to an extant planning permission granted in February 2024 (MC/22/2514) for a residential scheme comprising of 57 apartments. It is too small to accommodate the Proposed Development (or the foodstore in isolation) and is not available.

23. A Royal Mail facility which measures circa 1,500 sq. m is currently occupied and therefore not available. It is also too small to accommodate the Proposed Development (or the foodstore in isolation) allowing for servicing access and parking, whilst its lack of visibility / frontage and accessibility constraints would not attract any interest from a foodstore operator.

24. Remaining parts of the wider site are much smaller. It can therefore be concluded that this 'site' is not available or suitable for the Proposed Development.

Land Between Jeffrey Street and High Street, Gillingham

25. This area comprises various small commercial and residential premises fronting High Street and Skinner Street, with small car parks to the rear accessed from Jeffrey Street. The western car park forms part of a historic allocation, along with adjacent units fronting High Street and Skinner Street, under Policy R5 of the Medway Local Plan 2003 for retail development to include a foodstore of up to 2,000 sq. m. The Site is located within the Core Retail Area and therefore classed as 'in-centre' in retail policy terms.

26. A part of the site within the Policy R5 allocation, fronting Jeffrey Street, has recently undergone development for a residential led scheme pursuant to planning permission MC/18/2448, granted in April 2019).

27. The two car parks on the wider site, which are separated by the recent residential scheme, are less than 1,000 sq m in size and currently in active use. These are clearly too small to accommodate the Proposed Development (or the foodstore in isolation).

28. The remaining area, comprising of a range of small scale commercial and residential premises, are in a range of ownerships, the vast majority of which are occupied would require complex land assembly and cannot be considered available. Notwithstanding this, and the awkward configuration of this site, the

redevelopment and loss of a significant number of small businesses is not considered to be acceptable in planning terms.

29. It can be concluded that this 'site', including the part allocated for retail development, is not available or suitable for the Proposed Development.

Chatham

Former Go Outdoors, The Brook

30. The site comprises of a former Go Outdoors unit and market hall. It is located within the Core Retail Area. Medway Local Plan Policy R3 identifies this site including the adjacent car park, for development for retail and / or other appropriate uses to a town centre location.

31. A planning application for the redevelopment of the Site was submitted in December 2024 (LPA Ref: MC/24/2495), which proposes the residential led development of the Site for 319 apartments and 744 of flexible commercial space (Class E). This commercial space is split across 5 units, of which a maximum of 541 sq m could be provided as a single unit, albeit this would be an awkward configuration that is highly unlikely would be taken by a single operator. Notwithstanding this, it is clearly too small for the Proposed Development (or the foodstore in isolation).

32. The site is therefore not available or suitable for the Proposed Development.

Former Debenhams, High Street

33. The site comprises the former Debenhams store. The store contains a ground floor area of 2,791 sq. m, with the building itself arranged over 3/4 floors. It is located on a slope such that the High Street (front) level is a full floor below the Richard Street (rear) level, which also contains access and a delivery area.

34. The topography of the site does not lend itself to the Proposed Development, with a foodstore requiring a single level floorplate. The existing building is too large to accommodate the Proposed Development and its former department store configuration, and servicing access at first floor, does not readily lend itself to conversion foodstore at ground floor level. Further, there is no direct dedicated parking at the site, or the ability to provide this in close proximity, which a retailer would require in order to operate a store of the proposed size, even allowing for flexibility.

35. The building is now owned by Medway Council and has been marketed since 2020. It is understood the intention is to convert the ground and first floor of the premises into upper floors into a NHS facility, with the upper floors to comprise of residential development.

36. On this basis, the site is not considered to be available or suitable for the Proposed Development.

Pentagon Centre, including former Wilkinsons Unit

37. The Pentagon Centre is located within the Core Retail Area. The first floor of the former Wilkinsons unit within the shopping centre is being converted to the James Williams Health Centre, due to open this year and which is therefore not available. The remaining ground floor space measures circa 1,360 sq m and is therefore too small to accommodate the Proposed Development (or the foodstore in isolation) and, being approximately two thirds of the size of the proposed foodstore, falls beyond a reasonable degree of flexibility. The next largest vacant unit is 460 sq. m and is clearly too small.

38. It is therefore not available and suitable for the Proposed Development.

Land at Richard Street / Best Street

39. This site comprises vacant land between Richard Street, Best Street, Clover Street and James Street. It forms part of a larger allocation under Policy R1 of the Medway Local Plan for retail and service uses (former Use Classes A1, A2 and A3). It is also within the Core Retail Area.

40. At 1,600 sq. m, it is clearly too small for the Proposed Development (or the foodstore in isolation), allowing for reasonable flexibility. The topography of the site, sloping down from south to north does not lend itself to a single floorplate format required for the foodstore and whilst the site may be available, it is not suitable.

41. The wider allocation under Policy R1 includes pedestrian / vehicular access roads, popular surface level car parks, and an NHS facility. These areas are in multiple ownerships. The complex land assembly and significant changes in topography across these areas render this wider site as neither available or suitable for a foodstore.

Trafalgar Centre

42. This site comprises the now demolished former shopping centre, with a footprint of circa 1,000 sq m. It is within the Core Retail Area.

43. An outline planning application for the residential-led redevelopment of this site, and the adjacent Rhode Street multi storey car park was approved in September 2022 (MC/21/3671) with subsequent reserved matters approval in December 2024 (MC/24/1762). The approved scheme includes Class E floorspace of 130 sq. m, which could also be used as a creative art studio. The site, and the quantum of potential retail floorspace within the approved scheme, is clearly too small for Proposed Development (or the foodstore in isolation).

44. The site is therefore not available or suitable for the Proposed Development.

121-127 High Street, Chatham

45. The site comprises a former Argos store, currently occupied by Gillingham Street Angels since 2022. The existing building is part 2 / part 3 storeys and comprises a ground floor footprint of approximately 1,800 sqm, with a total building floorspace of approximately 4,600 sq m across these different floor levels. It is located within the Core Retail Area and also part of the wider 'Medway's "City" Centre' allocation under Medway Local Plan Policy S5, which supports retail use as part of the wider multi-use city centre for Medway.

46. The ground floor footprint of the existing building is too small to accommodate the Proposed Development (or the foodstore in isolation), allowing for reasonable flexibility, and in particular has very limited car parking provision at the rear, which is far too small to accommodate a foodstore operator's requirements in this location, and even more so once servicing access has been taking into account.

47. The site is therefore neither available or suitable for the Proposed Development.

Queen Street and Slicketts Hill Car Park

48. This site is currently occupied by separate car parks, with a significant change in levels, sloping down from north to south. It is circa 0.69ha in size, of which circa 0.2ha in the southeastern part of the site is allocated for residential development under Medway Local Plan Policy H1. The site is located outside of the Core Retail Area, from which it is separated by The Brook dual carriageway, albeit can be classed as edge-of-centre.

49. Planning permission for the residential development of the site was granted in February 2022 (LPA Ref: MC/20/0222), albeit it is unclear if this has been implemented. The site is identified in the emerging Local Plan evidence base (Site CCB31) for residential development of 179 dwellings.

50. It is clear that the future aspirations for the site are for a residential scheme. Notwithstanding this, the nature of the site's topography results in it being unsuitable for a foodstore operator requiring a single level floorplate.

51. The site is therefore not available or suitable for the Proposed Development.

High Street, Chatham – South-eastern End, ME4 4BN)

52. This 'site' comprises a number of properties on the northern side of Chatham High Street, broadly equating to site CCB26 of the emerging Local Plan evidence base, identified for residential led mixed

use development, including 49 dwellings, with a site area of 0.43ha. It is located within the Core Retail Area.

53. The majority of the premises are occupied with ground floor retail / service uses and many appear to have residential uses above. The only vacant unit on this part of the Site is the former KFC unit measuring 260 sq. m, which is clearly too small to accommodate the Proposed Development (or the foodstore in isolation). There would be complicated land assembly required and significant constraints in relation to delivering the Proposed Development in this area. It would also result in the loss of a range of existing businesses and homes.

54. It is therefore neither suitable or available for the Proposed Development.

Wickes, New Cut

55. This site comprises a Wickes store and car park. It is an edge-of-centre site being located outside of the Core Retail Area albeit is in close proximity via Railway Street.

56. The premises measures circa 2,300 sq. m and could physically accommodate the proposed foodstore element of the scheme, albeit not the wider Proposed Development.

57. It is however currently occupied by Wickes, with no evidence that they are likely to vacate, and is not therefore available.

3 New Road

58. This vacant site measures approximately 2,100 sq. m. It is located outside of the Core Retail Area, separated by The Paddock and Best Street. It is considered edge-of-centre for the purpose of this assessment.

59. Planning permission for the residential development of the site for 61 apartments (LPA Ref: MC/23/2669) was granted in July 2024, and it appears ground works were taking place on the site as of January 2025. It is therefore not available.

60. Notwithstanding the above, the site is significantly constrained for the Proposed Development (or the foodstore in isolation). Allowing for appropriate set backs from the boundary in particular due to adjacent residential premises, and for customer / delivery access, the ability to accommodate the foodstore is extremely limited. It would not be able to accommodate customer parking and the ability for deliveries

to be undertaken safely would appear extremely difficult. Further, it is located on a steep slope, rendering it unsuitable for a single unit, notwithstanding the size constraints.

61. The site is therefore not available or suitable.

21-23 New Road

62. This site comprises a vacant building on a site of approximately 600 sq m. It is located outside of the Core Retail Area, separated by The Paddock and Best Street. It is considered edge-of-centre for the purpose of this assessment.

63. Planning permission for the residential development of the site was granted in December 2018 (LPA Ref MC/18/0715). This permission has been implemented as confirmed by Lawful Development Certificate ref: MC/21/3497. An application to amend approved drawings was granted on 28th January 2025 (LPA ref: MC/23/2044).

64. The site is clearly too small for the Proposed Development (or the foodstore in isolation) and is being brought forward for a residential scheme under the extant permission.

65. It is therefore neither available or suitable for the Proposed Development.

Summary and Conclusions

66. This sequential assessment has been undertaken in accordance with national policy and demonstrates that there are no sites in sequentially preferable locations that are available and suitable for the Proposed Development, even allowing for flexibility in approach. No other sites that would benefit from a preference under the sequential test have been identified.

67. We conclude that the Proposed Development accords with the sequential test under NPPF paragraphs 91 and 92. It therefore accords with the relevant part of NPPF paragraph 95, and the sequential approach under Policies R11, R13 and L2 of the Medway Local Plan.